

NEWS RELEASE
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ISTOOK MEDICAID AMENDMENT APPROVED BY APPROPRIATIONS

Washington, D.C. - The House Appropriations committee has voted in favor of an amendment by Rep. Ernest Istook, (R-OK), to the FY-96 Labor/HHS/Education Appropriations bill to preserve the right of states to choose whether to use Medicaid funds to pay for abortions in the case of rape or incest.

Istook says the move would correct a Clinton Administration directive in 1993 that ignored the congressional intent of the Hyde Amendment and mandated that states pay for abortions, even in cases when abortion funding was against state law.

"The Administration threatened to cut off Medicaid funding to states, to enforce the President's point of view," Istook said. "That's led to twelve lawsuits in eleven states, three state challenges to HHS' authority, and to other states changing their laws to either conform with the directive or challenge it."

Prior to the implementation of the Medicaid directive, thirty states prohibited the use of public funds to pay for abortion except to save the life of the mother: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and Utah.

Of these states, the following have had to deal with litigation, in the form of challenges by abortion providers to get Medicaid funding: Arkansas, Colorado, Illinois, Louisiana, Michigan (2 cases), Montana, Nebraska, North Dakota, Oklahoma, Pennsylvania, Utah. In addition, in Kentucky, Missouri and Pennsylvania, state officials have challenged the authority of HHS to mandate rape and incest funding.

Arkansas is facing a challenge to its own state constitution, having been ordered by the courts to pay for all abortions for Medicaid patients. That directly contradicts a state constitutional amendment banning such funding except to save the life of the mother.

"It is ironic that the usurpation of state law is best exemplified by the situation in President Clinton's home state," Istook noted.

"This states' rights provision will correct an injustice and reaffirm the principle that states should be able to decide whether and how they spend their own funds for abortion."

STATUS OF MEDICAID CONFLICT IN SELECTED STATES

*******ILLINOIS**

Although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Illinois has been enjoined by a federal court to pay for abortions in situations prohibited by state law, but mandated by HHS. Recently, both chambers of the Illinois legislature have passed different versions of a bill that allows abortion funding in the cases of rape and incest only for as long as it is federally mandated. If the Hyde-States' Rights bill is passed, the will of the Illinois State House on this issue will be respected once again.

*******Florida**

Although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Florida is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow Florida to make abortion funding decisions for itself.

*******Texas**

Although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Texas is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow Texas to make abortion funding decisions for itself.

*******Arkansas**

Arkansas finds itself in one of the worst positions of any state. Though currently in litigation to maintain their state's rights, Arkansas has been ordered by the courts to pay for all abortions for Medicaid patients, in direct contradiction to the state's constitutional amendment banning funding for any abortion except to save the life of the mother. It is ironic that the usurpation of state law is best exemplified by the situation in

President Clinton's home state. The Hyde-States' Rights Amendment would allow Arkansas to make abortion funding decisions for itself without having to fight for that right in court.

*******California**

California funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the California Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******Mississippi**

In Mississippi, although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Mississippi is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******Wisconsin**

Wisconsin only paid for abortions in cases of rape or incest *when those acts are reported to a law enforcement agency* prior to the Clinton directive. The Administration effectively invalidated Wisconsin's anti-fraud reporting requirements. The Hyde-States' Rights Amendment would allow Wisconsin to make abortion funding decisions for itself.

*******Ohio**

In Ohio, although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Ohio is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******Maryland**

Maryland funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the

Maryland Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******New York**

New York funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the New York Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******PENNSYLVANIA**

Pennsylvania only paid for abortions in cases of rape or incest *when those acts are reported to a law enforcement agency* prior to the Clinton directive. The Administration effectively invalidated Pennsylvania's anti-fraud reporting requirements. Pennsylvania is fighting HHS in court to protect its rights as a state to make its own laws. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself without having to defend that right in court.

*******INDIANA**

In Indiana, although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Indiana is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make its own decisions.

*******Kentucky**

Although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Kentucky attempted to challenge the authority of HHS to mandate abortion funding. The case was dismissed and Kentucky is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******NEW MEXICO**

In New Mexico, although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. New Mexico is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******VIRGINIA**

Virginia only paid for abortions in cases of rape or incest *when those acts are reported to a law enforcement agency* prior to the Clinton directive. The Administration effectively invalidated Virginia's anti-fraud reporting requirements. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******ARIZONA**

Although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Arizona is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******NEVADA**

In Nevada, although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Nevada is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******IOWA**

Iowa only paid for abortions in cases of rape or incest *when those acts are reported to a law enforcement agency* prior to the Clinton directive. The Administration effectively invalidated

Iowa's anti-fraud reporting requirements. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******ALABAMA**

Although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Alabama is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******NORTH CAROLINA**

North Carolina funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the North Carolina Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******MICHIGAN**

In Michigan, although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Michigan is currently complying with the Clinton Administration interpretation of the Hyde Amendment although the state is involved in two lawsuits that have not yet been argued. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself without having to defend that right in court.

*******GEORGIA**

Although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature. Georgia is currently complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow Georgia to make abortion funding decisions for itself.

*******NEW JERSEY**

New Jersey funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the New Jersey Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******WASHINGTON**

Washington funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the Washington Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******OREGON**

Oregon funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the Oregon Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******MINNESOTA**

Minnesota only paid for abortions in cases of rape or incest *when those acts are reported to a law enforcement agency* prior to the Clinton directive. The Administration effectively invalidated Minnesota's anti-fraud reporting requirements. The Hyde-States' Rights Amendment would allow the state to make abortion funding decisions for itself.

*******WEST VIRGINIA**

West Virginia funded Medicaid abortions in the cases of rape and incest prior to the Clinton Administration directive. But if the West Virginia Legislature were to pass a law that restricted abortion funding or added reporting requirements, that law would be considered invalid by HHS and the Clinton Administration.

*******COLORADO**

In Colorado, although state law only allowed for abortion funding to save the life of the mother, the Clinton Administration has effectively overridden the will of the state legislature.

Colorado is currently involved in litigation but has been ordered by a federal court to complying with the Clinton Administration interpretation of the Hyde Amendment. The Hyde-States' Rights Amendment would allow Colorado to make abortion funding decisions for itself without having to fight in court for that right.